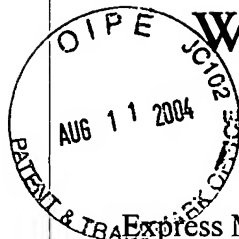


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PATENT  
Docket No.: 15436.436.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ralph H. Johnson

Serial No.:

10/026,055

Filed:

December 20, 2001

Confirmation No.

8713

For:

VERTICAL CAVITY SURFACE EMITTING  
LASER INCLUDING INDIUM ANTIMONY  
AND NITROGEN IN THE ACTIVE REGION

Examiner:

Dung T. Nguyen

TRANSMITTAL FOR AMENDMENT AND RESPONSE TO FINAL OFFICE  
ACTION DATED May 19, 2004

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment and Response to final Office  
Action for entry in the above-identified application.

Small entity status of this application under 37 C.F.R. § 1.9 and §  
1.27 has been established by a verified statement previously  
submitted.

To secure the approval of the Examiner for proposed amendments  
to the drawings, enclosed are the following:

- \_\_\_\_ Letter to the Official Draftsperson;
- \_\_\_\_ Set of \_\_\_\_\_ ( ) sheets of drawings containing Figures \_\_\_\_\_ including the proposed amendments therein; and
- \_\_\_\_ A duplicate set of the \_\_\_\_\_ ( ) sheets of drawings with the changes therein highlighted in red.
- X Terminal Disclaimers with the fee of \$220 is enclosed.
- \_\_\_\_ To render the transmitted Amendment "\_\_\_\_" and Response timely filed enclosed are the following:
- \_\_\_\_ Petition for a \_\_\_\_\_-Month Extension of Time; and
- \_\_\_\_ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the fee for the extension of time.
- X A Certificate of Express Mail Under 37 C.F.R. § 1.10.
- X No other fee is required.

The fee has been calculated as follows:

|  |                                 |               | SMALL ENTITY |             | LARGE ENTITY |             |
|--|---------------------------------|---------------|--------------|-------------|--------------|-------------|
| CLAIMS REMAINING AFTER                                   | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE         | ADD'T'L FEE | RATE         | ADD'T'L FEE |
| TOTAL  | MINUS                           | =             | X            |             | X            |             |
| INDEPENDENT  | MINUS                           | =             | X            |             | X            |             |
| 1 <sup>st</sup> PRESENTATION OF MULTIPLE DEPENDENT CLAIM |                                 |               | +_____ =     |             | +_____ =     |             |
|  |                                 |               | TOTAL        |             | TOTAL        |             |

- \_\_\_\_ Check No. \_\_\_\_ in the amount of \$\_\_\_\_ is enclosed to cover the additional claim fee.
- \_\_\_\_ Please charge my Deposit Account No. 23-3178 in the amount of \_\_\_\_\_.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

X A duplicate copy of this transmittal letter is attached.

Dated this 11<sup>th</sup> day of August 2004.

Respectfully submitted,



CARL T. REED  
Attorney for Applicant  
Registration No. 45,454  
Customer No. 022913  
Telephone No. 801.533.9800

OIPEX JC102  
 AUG 11 2004  
 PATENT & TRADEMARK OFFICE  
 In reply to

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ralph H. Johnson

) Art Unit  
) 2828 .

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j

- Transmittal Letter (3 pages) (in duplicate)
- Amendment and Response to final Office Action (4 pages)
- Two Terminal Disclaimer (3 pages each)
- PTO-2038 Credit Card Payment Form in the amount of \$220.00
- Postcard

Carl Reed

CTR:dfw  
DFW0000011177V001

PATENT  
Docket No.: 15436.436.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ralph H. Johnson

Serial No.: 10/026,055

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For: VERTICAL CAVITY SURFACE EMITTING  
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AND NITROGEN IN THE ACTIVE REGION

Examiner:                      Dung T. Nguyen

**AMENDMENT TO FINAL OFFICE ACTION DATED MAY 19, 2004**

**Mail Stop AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Dear Sir:

In response to the Office action of May 19, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.